



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0137/2022

October 05, 2022

OWNER(S): JOEL DESSUREAULT, 2797 Errington Ave., Chelmsford, ON P0M 1L0
ANGELE DUBOIS, 2797 Errington Ave., Chelmsford, ON P0M 1L0

AGENT(S):

LOCATION: PIN 73348 0594, Survey Plan 53R-19053 Part(s) 1, Lot Part Lot 2, Concession 2, Township of Balfour, 2797 Errington Avenue, Chelmsford

SUMMARY

Zoning: The property is zoned RU (Rural) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a detached garage on the subject property providing a maximum height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, October 04, 2022

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, September 28, 2022

The subject property includes some regulated area due to the adjacent wetland. However, Conservation Sudbury does not object to Minor Variance application A0137/2022.

Notes

The proponent is advised that development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at ndca@conservationsudbury.ca to determine the need for a permit.

CGS: Building Services Section, September 28, 2022

No concerns.

CGS: Development Approvals Section, September 27, 2022

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Errington Avenue in Chelmsford. The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that abutting lands to the north are presently vacant and well vegetated. The mature vegetation can reasonably be expected to provide good buffering and screening from any future rural residential development that could occur on the immediately abutting lands to the north. The detached garage would also be setback approximately 79.25 m (260.00 ft) from the street line of Errington Avenue. Staff is of the opinion that the proposed setback from the street line of Errington Avenue in part also mitigates the visual impact the scale of the detached garage will have on the surrounding rural residential area. Staff therefore does not anticipate any negative land use planning impacts on abutting rural residential properties or any negative impacts on the existing rural residential character that exists along this portion of Errington Road should the additional height be approved. Staff also notes that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building situated within the "RU" Zone. Staff would caution the owner that the proposed detached garage may not be utilized for commercial or industrial purposes (ie. non-residential land uses). Staff would also caution the owner that the proposed accessory building may only be used for the purposes of human habitation if legally permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff recommends that the variance be approved as they it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Ministry of Transportation, September 27, 2022

We have determined that the subject land is not within MTO's permit control area, therefore, the MTO does not have any concerns.

Greater Sudbury Hydro Inc., September 23, 2022

Property is outside of our territory, therefore no objection.

CGS: Site Plan Control, September 22, 2022

No objections.

CGS: Development Engineering, September 21, 2022

No objection.

The applicants appeared before Committee and provided a summary of the application. Committee Chair Chartrand asked the applicants if they saw the comments provided by Development Approvals advising that detached garage could not be used for commercial or industrial purposes and may only be used for human habitation if approved as a secondary unit and the applicants confirmed that they saw the comments. Committee had no further questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

JOEL DESSUREAULT AND ANGELE DUBOIS

the owner(s) of PIN 73348 0594, Survey Plan 53R-19053 Part(s) 1, Lot Part Lot 2, Concession 2, Township of Balfour, 2797 Errington Avenue, Chelmsford

for relief from Part 4, Section 4.2, subsection 4.2.4 b) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 8.458m, where the maximum height of any building or structure accessory to a residential dwelling shall be 6.5m, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained. As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0138/2022

October 05, 2022

OWNER(S): RYAN VIS, 770 Dominion Drive, Hanmer, ON P3P 0A7
LYNN VIS,

AGENT(S): RYAN VIS, 770 Dominion Drive, Hanmer, ON P3P 0A7

LOCATION: PIN 73503 0122, Parcel 20201A SEC SES SRO, Surveys Plan 53R-16848 Part(s) 1 & Plan 53R-4833
Part(s) 1, Lot Part 3, Concession 2, *except*, Township of Hanmer, 770 Dominion Drive, Hanmer

SUMMARY

Zoning: The property is zoned RU (Rural) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval of a lot to be severed, subject to a future Consent Application, providing a lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, October 04, 2022

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

CGS: Development Approvals Section, September 29, 2022

Staff notes that the lands were recently the subject of an application to amend the City's Official Plan in order to permit the creation of a new lot within the Urban Expansion Reserve (UER) by allowing for a site-specific policy exception to those UER lot creation policies set out under Section 20.3.1(3) of the City's Official Plan (File # 701-7/21-2). The City's Planning Committee approved the application and Council subsequently enacted Official Plan Amendment #115 on May 31, 2022. OPA #115 provides a lot creation policy exception on the lands with respect to lot creation, however staff notes that the severed and retained lands would provide for 71 m (232.94 ft) and 85 m (278.87 ft) respectively whereas a minimum lot frontage of 90 m (295.28 ft) is required under the applicable "RU" Zone. Staff further notes however that two minor variance applications are required in order to have appropriate relief in place from a zoning perspective for both the severed and retained lands. Staff understands that the owner intends on submitting a second minor variance application once this application for minor variance has been approved by the City's Committee of Adjustment. Staff are supportive of the variance on the basis that they are implementing the policy exception provided under OPA #115.

The Nickel District Conservation Authority, September 28, 2022

Conservation Sudbury does not object to Minor Variance application A0138/2022, as the width of lot frontage is not a concern of the Conservation Authority.

However, the proposed created lot contains wetland features. As part of the consent process Conservation Sudbury will require that the wetlands be mapped by a qualified professional (OWES certified). The site plan submitted for the consent application must show the delineated wetlands, with a 12m and 30m buffer, and the building envelope including the limits of fill. All development will be directed outside of the wetland as per Conservation Sudbury's wetland guidelines. Any development within 30m of the wetland will require a permit from Conservation Sudbury.

Any road improvements to the existing driveway will require a permit from Conservation Sudbury.

CGS: Building Services Section, September 28, 2022

Based on the information provided, Building Services has no concerns with this application.

However, Owner to be advised of the following comments:

- 1) A minor variance is required for the retained lands due to the lot frontage being reduced to 85.3m
- 2) We have no record of a building permit for the storage building directly behind the rear lot line of 758 Dominion Dr. A building permit is required to the satisfaction of the Chief Building Official. Additional minor variances may be required.

Source Water Protection Plan, September 28, 2022

No activity or activities engaged in or proposed to be engaged in on the above noted property are considered to be significant drinking water threats at this time. You may undertake the activity or activities described in your application and proceed to apply for a Building Permit or Planning Approval as they are neither prohibited nor restricted for the purpose of Part IV of the Clean Water Act, 2006.

Ministry of Transportation, September 27, 2022

We have determined that the subject land is not within MTO's permit control area, therefore, the MTO does not have any concerns.

Greater Sudbury Hydro Inc., September 23, 2022

Property is outside of our territory, therefore no objection.

CGS: Site Plan Control, September 22, 2022

No objections.

CGS: Development Engineering, September 21, 2022

No objection.

The applicant, Ryan Vis, appeared before Committee and provided a summary of the application. Committee Chair Chartrand requested staff to explain Building Services' second comment and the comments relating to the retained lands. Staff provided an explanation for Building Services' second comment and explained that both the severed and retained lands would require variances for the undersized lot frontage, however staff was only in receipt of one application for the severed lands. The applicant explained that the storage building was a temporary canvas structure and did not think a building permit was required but would contact staff and relocate it if required. The applicant further explained that he tried to add the additional variance to this application for the retained and was told by staff that he could but would need to submit the additional fee but believes that it was too late to add that variance for this meeting. Staff provided an explanation as to why two applications were required. Committee had no further questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

RYAN VIS AND LYNN VIS

the owner(s) of PIN 73503 0122, Parcel 20201A SEC SES SRO, Surveys Plan 53R-16848 Part(s) 1 & Plan 53R-4833 Part(s) 1, Lot Part 3, Concession 2, *except*, Township of Hanmer, 770 Dominion Drive, Hanmer

for relief from Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve the lot to be severed subject to a future Consent Application, providing a minimum lot frontage of 71.93m, where 90.0m is required, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained. As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0139/2022

October 05, 2022

OWNER(S): DENNIS HARASYMCHUK, 923-1147 Ramsey View Court, Sudbury, ON P3E 2E6

AGENT(S):

LOCATION: PIN 73588 0724, Parcel 11307 SEC SES, Lot(s) 264, Subdivision M-128, Lot Part 8, Concession 2, Township of McKim, 70 Clemow Avenue, Sudbury

SUMMARY

Zoning: The property is zoned R2-3 (Low Density Residential Two) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to reconstruct a detached garage on the subject property maintaining a reduced side yard and providing an accessory lot coverage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, October 04, 2022

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, September 28, 2022

Conservation Sudbury does not object to Minor Variance A0139/2022. The subject property is not located in any area regulated by the Conservation Authority. We have no comment or objections to the proposed development.

CGS: Building Services Section, September 28, 2022

Based on the information provided, Building Services has no concerns with this application.

However, Owner to be advised of the following comments:

1) The front and side additions appear to have been renovated without the benefit of a building permit in 2015. Please contact Building Services to obtain a building permit.

CGS: Development Approvals Section, September 27, 2022

The variance being sought would facilitate the demolition and reconstruction of a larger detached garage in the rear yard of the subject lands that have frontage on Clemow Avenue in Sudbury. The rear of the lands is also accessible via Un-Named Lane #20 which is maintained by the municipality. The lands are designated Living Area 1 in the City's Official Plan and zoned "R2-3", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff has no land use planning concerns with respect to the proposed accessory buildings and structures maximum lot coverage of 10.77% whereas 10% is permitted on a residential lot.

Staff notes that the existing southerly interior side yard setback of 0.6 m (1.97 ft) is legal non-complying and the reconstructed detached garage will not be further reduced should the application be approved. Staff advises that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building situated within the "R2-3" Zone apart from the legal non-complying interior side yard and the requested accessory buildings and structures variance. Staff recommends that the variance be approved as they it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Ministry of Transportation, September 27, 2022

We have determined that the subject land is not within MTO's permit control area, therefore, the MTO does not have any concerns.

Greater Sudbury Hydro Inc., September 23, 2022

No conflict.

CGS: Site Plan Control, September 22, 2022

No objections.

CGS: Development Engineering, September 21, 2022

No objection.

The applicant appeared before the Committee and provided a summary of the application. Committee had no questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

DENNIS HARASYMCHUK

the owner(s) of PIN 73588 0724, Parcel 11307 SEC SES, Lot(s) 264, Subdivision M-128, Lot Part 8, Concession 2, Township of McKim, 70 Clemow Avenue, Sudbury

for relief from Part 4, Section 4.2, subsection 4.2.3 and Section 4.25, subsection 4.25.2 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the reconstruction of a detached garage, firstly, providing a maximum accessory lot coverage of 10.77%, where the lot coverage of all accessory buildings and structures on a residential lot shall not exceed 10%, and secondly, maintaining a legal existing side yard setback of 0.6m, where the enlargement, reconstruction, repair and/or renovation does not further reduce the existing front yard, and/or side yard, and/or rear yard and/or lot coverage, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are minor in nature and are desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained. As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring

SUBMISSION NO. A0140/2022

October 05, 2022

OWNER(S): DIRK OTTO PIERSKALLA, 208 Riverside Drive, Dowling, ON P0M 1R0
GISLAINE GAGNON, 208 Riverside Drive, Dowling, ON P0M 1R0

AGENT(S): IAN LAVIGNE, c/o Lavigne Construction, 1685 Lasalle Boulevard, Sudbury, ON P3A 1Z8

LOCATION: PIN 73352 0168, Parcel 15022 SEC SWS SRO, Lot(s) 100, Subdivision M-424, Lot Part 4, Concession 4, Township of Dowling, 208 Riverside Drive West, Dowling

SUMMARY

Zoning: The property is zoned R1-5 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a detached garage on the subject property providing a high water mark setback and shoreline structure at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Strategic and Environmental Planning, October 04, 2022

REVISED

The Strategic and Environmental Planning Section is not opposed to the approval of the first part of the application, being:

"For relief from Part 4, Section 4.41, subsections 4.41.2, 4.41.3 and 4.41.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing, firstly, a high water mark setback of 15.65m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, and..."

The Strategic and Environmental Planning Section, however, is opposed to the approval of the second part of the application, being:

"...secondly, to permit the proposed detached garage to be 15.65m setback from the high water mark of a lake, where only the accessory structures as set out in subsection 4.41.2, boat launches, marine railways, waterlines and heat pump loops are permitted within 20.0m of a high water mark and the area permitted to be cleared of natural vegetation in Section 4.41.3."

The reason for the staff recommendations outlined above is as follows: while the existing site conditions prevent the construction of a garage behind the house and still lie outside of the 30m setback from the highwater mark, it appears that the proposed garage could be constructed outside of the 20m Shoreline Buffer Area. Construction of the garage outside of the Shoreline Buffer Area is in keeping with good shoreline stewardship practices by maintaining the ability to renaturalize the Shoreline Buffer Area, much of which is currently under lawn cover.

Additional points are offered below for the benefit of the property owners and the Committee of Adjustment.

Shoreline property owners are encouraged to continue adopting lake-friendly and river-friendly practices.

Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts has not confirmed the presence of cyanobacterial blooms in the Onaping River.

Existing vegetation on the subject lands acts as an important buffer, absorbing runoff sediments and holding soil in place. Vegetation removal on the subject lands should be kept to a minimum during any site preparation or construction activities or for purposes of converting existing natural vegetation to lawns. Lawns require higher maintenance and expense and generally require importing soil from outside of the lot. Imported soil can introduce considerable quantities of phosphorus.

Shoreline and stream bank residents can help reduce phosphorus levels or maintain them at low levels by following a few guidelines:

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or river bank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².
2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.
3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.
4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.
5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.
6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.
7. Private sewage systems should be inspected and pumped at least every three years.

Property owners are encouraged to contact the City's Lake Water Quality Program at (705) 674-4455 ext. 4604 to book a free, confidential and non-regulatory shoreline home visit. During the visit, qualified staff will provide ideas and advice on shoreline management techniques to maintain and improve lake water quality.

The applicant or owner must contact Conservation Sudbury at (705) 674-5249 to discuss permitting requirements before starting any work in water or on the shoreline of a lake or on a river/stream bank (retaining walls, etc).

CGS: Infrastructure Capital Planning Services, October 04, 2022

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, September 29, 2022

Conservation Sudbury does not oppose Minor Variance A0140/2022. Conservation Sudbury requests that the following condition be added to the Minor Variance:

1. That the landowner successfully obtain a section 28 permit from Conservation Sudbury. The location of the garage may change. However, the garage will not encroach further into the high water mark setback.

Notes

The proponent is advised that development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. Please contact our office at ndca@conservationsudbury.ca to determine the need for a permit.

CGS: Building Services Section, September 28, 2022

No concerns.

CGS: Strategic and Environmental Planning, September 28, 2022

The Strategic and Environmental Planning Section recommends that this application be deferred so that the applicant can provide the distance between the high water mark and the northern-most edge of the proposed detached garage. The distance currently shown on the illustration accompanying the application is between the property boundary and the detached garage.

Source Water Protection Plan, September 28, 2022

No activity or activities engaged in or proposed to be engaged in on the above noted property are considered to be significant drinking water threats at this time. You may undertake the activity or activities described in your application and proceed to apply for a Building Permit or Planning Approval as they are neither prohibited nor restricted for the purpose of Part IV of the Clean Water Act, 2006.

CGS: Development Approvals Section, September 27, 2022

The variances being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Riverside Drive West in Dowling. The lands also have water frontage on the Onaping River. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the proposed detached garage would be situated within an existing cleared area and at the end of an existing gravel-surfaced driveway providing access to Riverside Drive West. Staff further notes that it would appear the proposed detached garage would be situated in a location currently occupied by a portable accessory structure (ie. boat shelter). The owner has informed staff that the boat shelter would be removed or relocated should the variance to permit the detached garage be approved. Staff has also reviewed aerial photography of the area dating back to 1988 and it would appear that the majority of rear yards along the north side of Riverside Drive West were largely cleared of vegetation by this point in time. Staff further advises that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building situated within the "R1-5" Zone. Staff recommends that the variances be approved as they are minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Ministry of Transportation, September 27, 2022

We have determined that the subject land is not within MTO's permit control area, therefore, the MTO does not have any concerns.

Greater Sudbury Hydro Inc., September 23, 2022

Property is outside of our territory, therefore no objection.

CGS: Site Plan Control, September 22, 2022

No objections.

CGS: Development Engineering, September 21, 2022

No objection.

The applicant, Dirk Otto Pierskalla, and his agent, Ian Lavigne, appeared before Committee and provided a summary of the application. Committee Chair Chartrand requested staff to comment on the Nickel District Conservation Authority's condition request and staff provided an explanation on the condition. The applicant asked what a section 28 was, and Committee Chair Chartrand explained when and why a section 28 would be required. Committee Chair Chartrand, referring to Strategic and Environmental Planning, asked the applicant why they could not move the garage outside of the buffer and the applicant explained that it would be located too close to the dwelling. Committee Member Castanza advised Committee that she did a site visit and due to access restrictions, what was proposed was the best location. Committee Member Coupal agreed with Committee Member Castanza's comments and supported the application. Committee had no further questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

DIRK OTTO PIERSKALLA AND GISLAINE GAGNON

the owner(s) of PIN 73352 0168, Parcel 15022 SEC SWS SRO, Lot(s) 100, Subdivision M-424, Lot Part 4, Concession 4, Township of Dowling, 208 Riverside Drive West, Dowling

for relief from Part 4, Section 4.41, subsections 4.41.2, 4.41.3 and 4.41.4 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing, firstly, a high water mark setback of 15.65m, where no person shall erect any residential building or other accessory structure closer than 30.0m to the high water mark of a lake or river, and secondly, to permit the proposed detached garage to be 15.65m setback from the high water mark of a lake, where only the accessory structures as set out in subsection 4.41.2, boat launches, marine railways, waterlines and heat pump loops are permitted within 20.0m of a high water mark and the area permitted to be cleared of natural vegetation in Section 4.41.3, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variances are minor in nature and are desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained. As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Non-Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0141/2022

October 05, 2022

OWNER(S): JOSH DEMORE, 24 A Molly's Road, Sudbury, ON P3E 4N1

AGENT(S): CENTRELINE ARCHITECTURE, Attn: Dan, 158 Elgin Street, Sudbury, ON P3E 3N5

LOCATION: PIN 73480 0269, Parcel 32361 SEC SES, Survey Plan SR-295 Part(s) 5, Lot Part Broken Lot 3, Concession 3, Township of Cleland, 60 B Kauppi Road, Wanup

SUMMARY

Zoning: The property is zoned SLS (Seasonal Limited Service) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct a detached garage on the subject property providing a height at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, October 04, 2022

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, September 28, 2022

Subject property is located outside the jurisdiction of Conservation Sudbury. We have no concern regarding Minor Variance application A0141/2022.

CGS: Building Services Section, September 28, 2022

Based on the information provided, Building Services has no concerns with this application.

However, Owner to be advised of the following comments:

1) Any shed greater than 15m² requires a building permit. To meet the criteria of a "shed", the structure must be 1 storey in height, must not be attached to any other structure, does not contain plumbing, and is for storage purposes only. Please contact building services if a building permit is required.

2) No building permit application has been received to date for the proposed garage. A building permit is required for the construction of this accessory building to the satisfaction of the Chief Building Official. Accessory buildings are not for human habitation unless registered as a Secondary Dwelling Unit with the City of Greater Sudbury.

CGS: Strategic and Environmental Planning, September 28, 2022

This correspondence is for informational purposes only.

Shoreline property owners are encouraged to continue adopting lake-friendly practices. Phosphorus is an essential element for all life forms and is the most limiting major nutrient for aquatic plant growth in freshwater streams and lakes. Increasing levels of phosphorus in lakes, streams and rivers can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacterial (blue-green algae) blooms. Public Health Sudbury & Districts confirmed the presence of cyanobacterial blooms in Red Deer Lake in 2015 and 2018.

Shoreline residents can help reduce phosphorus levels or maintain them at low levels by following a few guidelines:

1. A shoreline buffer area is to remain in a natural vegetated state to a depth of at least 20 metres (the wider the better) from the high water mark and supplemented with additional trees and shrubs where necessary. Shoreline vegetation has beneficial effects, such as habitat creation, cooling of the lake edge through shading, reducing soil erosion, filtering nutrient-laden soil and pollutants, and visual enhancement from the lake. As per the City's Official Plan and Zoning By-law, a maximum cleared area of 25% of the shoreline or river bank or up to 23 metres, whichever is less, is allowable. The area to be cleared within the shoreline buffer area is not to exceed 276m².

2. Residents should minimize the amount of lawn on their property. Lawns generally require removing existing vegetation that is currently preventing soil erosion. Lawns may also require that soil be imported to the property, which can introduce significant amounts of phosphorus to the lake through erosion. Finally, lawns are expensive and time-consuming to maintain.

3. General use lawn fertilizers containing phosphorus should never be used. It is illegal to apply lawn fertilizers containing phosphorus in the City of Greater

Sudbury unless establishing a new lawn. Before applying fertilizer of any kind on their lawns, owners should have the soil tested by a professional. The soil might only need crushed limestone to make it less acidic and allow soil nutrients to be more available for uptake by the turf grass.

4. Application of fertilizer containing phosphorus to flower or vegetable beds or shrubs should not be applied any closer than 30 metres from the water's edge – the farther the better.

5. Any soil that is disturbed onsite or that is brought onto the subject lands should be covered with vegetation as quickly as possible to ensure that it doesn't erode into the lake. Soil particles can contain large amounts of phosphorus. Tarps should be used to cover the soil piles if rain is in the forecast.

6. Detergents (soaps and shampoos) should never be used in a lake or river. Only phosphorus-free detergents should be used for washing vehicles on the subject lands and washing should be done as far from the lake as possible.

7. Private sewage systems should be inspected and pumped at least every three years.

Property owners are encouraged to contact the City's Lake Water Quality Program at (705) 674-4455 ext. 4604 to book a free, confidential and non-regulatory shoreline home visit. During the visit, qualified staff will provide ideas and advice on shoreline management techniques to maintain and improve lake water quality. The owner must contact Conservation Sudbury at (705) 674-5249 before starting any work in water or on the shoreline or stream bank (retaining walls, etc).

CGS: Development Approvals Section, September 27, 2022

The variance being sought would facilitate construction of a detached garage in the rear yard of the subject lands that have frontage on Kauppi Road in Wanup. The lands also have water frontage on Red Deer Lake. The lands are designated Rural in the City's Official Plan and zoned "SLS", Seasonal Limited Service under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that mature vegetation exists in the front yard between the location of the proposed detached garage and the traveled portion of Kauppi Road thereby providing some degree of screening and buffering toward Kauppi Road. Staff also notes that the detached garage would be setback approximately 11.65 m (38.22 ft) from the street line of Kauppi Road. Staff is satisfied that at this distance the additional 2.24 m (7.35 ft) in maximum accessory building height would also not have any negative impacts on the rural residential character that exists along this portion of Kauppi Road. Staff otherwise notes that the proposed detached garage would otherwise appear to comply with all other applicable development standards for an accessory building situated within the "SLS" Zone. Staff would caution the owner that the proposed detached garage may not be utilized for commercial or industrial purposes (ie. non-residential land uses). Staff would also caution the owner that the proposed accessory building may only be used for the purposes of human habitation if legally permitted as a secondary dwelling unit or garden suite as per Section 4.2.1 of the Zoning By-law. Staff recommends that the variance be approved as they it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Ministry of Transportation, September 27, 2022

We have determined that the subject land is not within MTO's permit control area, therefore, the MTO does not have any concerns.

Greater Sudbury Hydro Inc., September 23, 2022

Property is outside of our territory, therefore no objection.

CGS: Site Plan Control, September 22, 2022

No objections.

CGS: Development Engineering, September 21, 2022

No objection.

The applicant's agent, Dan Guillemette of CentreLine Architecture, appeared before the Committee and provided a summary of the application. Committee had no questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

JOSH DEMORE

the owner(s) of PIN 73480 0269, Parcel 32361 SEC SES, Survey Plan SR-295 Part(s) 5, Lot Part Broken Lot 3, Concession 3, Township of Cleland, 60 B Kauppi Road, Wanup

for relief from Part 4, Section 4.2, subsection 4.2.4 a) of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of a detached garage providing a maximum height of 7.24m, where the maximum height of any accessory building or structure on a residential lot shall be 5.0m, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained. As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring

SUBMISSION NO. A0142/2022

October 05, 2022

OWNER(S): KRISTIAN SHARROCK, 434 Jumbo Road, Wahnapiatae, ON P0M 3C0
VANNESSA SHARROCK, 434 Jumbo Road, Wahnapiatae, ON P0M 3C0

AGENT(S): D.S. DORLAND LIMITED, Attn: Bryan C. Dorland, 298 Larch Street Sudbury ON P3B 1M1

LOCATION: PIN 73480 0195, Parcel 14689 SEC SES, Lot(s) N except*, Subdivision M-134, Lot Part Lot 5, Concession 6, Township of Cleland, 434 Jumbo Road, Wanup

SUMMARY

Zoning: The property is zoned RU (Rural) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval of a lot to be severed, subject of Consent Application B0078/2022, providing a lot frontage at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, October 04, 2022

Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, September 28, 2022

Subject property is located outside the jurisdiction of Conservation Sudbury. We have no concern regarding Minor Variance application A0142/2022.

CGS: Building Services Section, September 28, 2022

No concerns.

CGS: Development Approvals Section, September 27, 2022

The variance being sought would facilitate the creation of one new rural lot at the corner of Jumbo Road and Hungarian Road in Wanup. The lands are designated Rural in the City's Official Plan and zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. There is a related consent application (File # B0078/2022) that is tentatively scheduled for a decision by the City's Consent Official on October 24, 2022. Staff notes that the proposed severed lands would provide for approximately 391.03 m (1,282.91 ft) of frontage along the exterior side lot line of Jumbo Road. The frontage that would be established along the street line of Jumbo Road demonstrates conformity with the non-waterfront rural lot creation policy requiring 90 m (300 ft) of public road frontage for a proposed severed lot. With respect to the City's Zoning By-law, staff notes that by definition the location of the front lot line for the severed lands would be along Hungarian Road as this would be the shorter of the two street lines. Staff notes in this regard that the proposed severed lands would only provide for a minimum lot frontage of approximately 21.95 m (72.01 ft) along Hungarian Road whereas 90 m (300 ft) is required in the City's Zoning By-law under the "RU" Zone.

Staff views the minor variance as being somewhat technical in nature, but necessary in order to facilitate the severance of the proposed rural lot. Staff is supportive of the overall rural lot creation development proposal provided that a minor variance is obtained for the severed lands as described above. Staff recommends that the variance be approved as they it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Ministry of Transportation, September 27, 2022

We have determined that the subject land is not within MTO's permit control area, therefore, the MTO does not have any concerns.

Greater Sudbury Hydro Inc., September 23, 2022

Property is outside of our territory, therefore no objection.

CGS: Site Plan Control, September 22, 2022

No objections.

CGS: Development Engineering, September 21, 2022

No objection.

The applicant's agent, Bryan Dorland of D.S. Dorland, appeared before the Committee and provided a summary of the application. Committee had no questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

KRISTIAN SHARROCK AND VANNESSA SHARROCK
the owner(s) of PIN 73480 0195, Parcel 14689 SEC SES, Lot(s) N except*, Subdivision M-134, Lot Part Lot 5, Concession 6, Township of Cleland, 434 Jumbo Road, Wanup

for relief from Part 9, Section 9.3, Table 9.3 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to approve the lot to be severed subject of Consent Application B0078/2022 providing a minimum lot frontage of 21.0m, where 90.0m is required, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained. As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring



COMMITTEE OF ADJUSTMENT

SUBMISSION NO. A0129/2022

October 05, 2022

OWNER(S): RICHARD BARLOW, 43 Finland Street, PO Box 812, Copper Cliff, ON P0M 1N0
ASHLEE BARLOW, 43 Finland Street, PO Box 812, Copper Cliff, ON P0M 1N0

AGENT(S): ASHLEE BARLOW, 43 Finland Street, PO Box 812, Copper Cliff, ON P0M 1N0

LOCATION: PIN 73599 0659, Parcel 40843 SEC SRO, Lot(s) 190, Subdivision M-1023, Lot Parts 1 and 12, Concession 2, Township of Snider, 43 Finland Street, Copper Cliff

SUMMARY

Zoning: The property is zoned R1-5 (Low Density Residential One) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to construct an uncovered deck on the subject property providing an encroachment into the required front yard at variance to the By-law.

Comments concerning this application were submitted as follows:

CGS: Infrastructure Capital Planning Services, October 04, 2022

REVISED
Roads
No concerns.

Transportation and Innovation Support
No concerns.

Active Transportation
No concerns.

The Nickel District Conservation Authority, September 28, 2022

REVISED
Conservation Sudbury does not oppose Minor Variance application A0129/2022. Subject property contains a portion of floodplain regulated by Conservation Sudbury. However, the location is of the uncovered deck is outside of the floodplain.

Notes
The proponent is advised that development within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the Conservation Authorities Act. 'Development' is defined by the Conservation Authorities Act and includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at ndca@conservationsudbury.ca to determine the need for a permit.

CGS: Building Services Section, September 28, 2022

REVISED

Based on the information provided, Building Services has no concerns with this application.

Owner to also be informed of the following information:

1) Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the existing front entrance deck and stairs built without benefit of building permit. Owner to be advised there is an existing Order to Comply on file for the subject address, recognizing this construction.

CGS: Development Approvals Section, September 27, 2022

REVISED

Staff understands that this application was previously deferred in order to afford the owner the opportunity to address comments received from Infrastructure Capital Planning Services (ICPS). Staff further understands that the location of the front lot line where it meets the street line of Finland Street has now been confirmed. Staff continues to be supportive of the application and would recommend that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

Ministry of Transportation, September 27, 2022

REVISED

We have determined that the subject land is not within MTO's permit control area, therefore, the MTO does not have any concerns.

Greater Sudbury Hydro Inc., September 23, 2022

REVISED

No conflict.

CGS: Site Plan Control, September 22, 2022

REVISED

No objections.

CGS: Infrastructure Capital Planning Services, September 01, 2022

Roads / Active Transportation

No concerns.

Transportation and Innovation

Staff have no concerns with the application. However, the provided drawings inaccurately depict the City's right of way. The applicant is advised to verify the property limits.

Greater Sudbury Hydro Inc., August 31, 2022

No conflict.

CGS: Strategic and Environmental Planning, August 31, 2022

No concerns.

CGS: Development Approvals Section, August 31, 2022

The variances being sought would facilitate construction of an uncovered deck attached to the front of the existing residential dwelling on the subject lands that have frontage on Finland Street in Copper Cliff. The lands are designated Living Area 1 in the City's Official Plan and zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff notes that the existing single-detached dwelling on the lands was built in 1947 according to available MPAC data and maintains a legal non-complying front yard setback. Staff would also note that most residential dwellings along Finland Street appear to maintain legal non-complying front yard setbacks with many also having landings, porches or uncovered decks oriented toward Finland Street. Staff would therefore advise that no negative land use planning impacts are anticipated on abutting residential properties should the variance be approved. Staff are further of the opinion that the proposed uncovered deck is not excessive in nature and there are no negative impacts anticipated on the existing urban residential character that exists along Finland Street. Staff recommends that the variance be approved as it is minor, appropriate development for the area and the intent of both the Official Plan and Zoning By-law are maintained.

CGS: Building Services Section, August 31, 2022

Based on the information provided, Building Services has no concerns with this application.

Owner to also be informed of the following information:

1) Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the existing front entrance deck and stairs built without benefit of building permit. Owner to be advised there is an existing Order to Comply on file for the subject address, recognizing this construction.

The Nickel District Conservation Authority, August 31, 2022

Conservation Sudbury does not object to Minor Variance A0129/2022. The subject property contains regulated area including floodplain, however Conservation Sudbury has no objections to the location of the deck. Please see attached map. Any future development within regulated areas requires permission from Conservation Sudbury.

CGS: Site Plan Control, August 25, 2022

No objections.

CGS: Development Engineering, August 24, 2022

No objection.

The applicants appeared before the Committee and provided a summary of the application. Committee had no questions or comments.

The following decision was reached:

DECISION:

THAT the application by:

RICHARD BARLOW AND ASHLEE BARLOW
the owner(s) of PIN 73599 0659, Parcel 40843 SEC SRO, Lot(s) 190, Subdivision M-1023, Lot Parts 1 and 12, Concession 2, Township of Snider, 43 Finland Street, Copper Cliff

for relief from Part 4, Section 4.2, Table 4.1 of By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, as amended, to facilitate the construction of an uncovered deck providing a 5.53m encroachment into the required front yard and maintaining a 0.47m front yard setback, where uncovered decks 1.2m or less in height above finished grade may encroach 1.2m into the required front yard, be granted.

Consideration was given to Section 45(1) of the Planning Act, R.S.O.1990, c. P.13 as amended including written and oral submissions related to the application, it is our opinion the variance is minor in nature and is desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are maintained. As no public comment, written or oral, has been received, there was no effect on the Committee of Adjustment's decision.

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartand	Concurring
Justin Sawchuk	Concurring